

Application Serial No. 09/690,409
Amendment with RCE Dated September 28, 2006
Responsive to Final Office Action Dated April 23, 2003

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REMARKS

This Amendment is being filed in response to the Office Action dated April 23, 2003.

Claims 1-6 are currently pending in the application, all of which stand rejected. Of these, claims 1, 5 and 6 are independent.

An appeal was filed before the Board of Patent Appeals and Interferences ("Board"). The Board rendered its decision on July 14, 2006 affirming all of the Examiner's rejections.

By this Amendment, claims 1-6 have been canceled and claims 7-8 have been added, directed to the method of attaching a straw package onto a bag. No new matter has been added. Applicants respectfully submit that this application is in condition for allowance.

Brief Description of the Invention as Claimed

Prior to addressing the rejection set forth in the Office Action, Applicants take this opportunity to discuss the invention as claimed in the application. As stated in page 1 of the specification as originally filed, in previously known methods and systems, the straws were provided either perpendicularly or parallel to the conveyor surface, more specifically, either from directly above the conveyor belt or from the side. The invention as claimed can increase the speed at which straw packages are attached to stand up bags compared to these known methods and systems, thus increasing efficiency.

The inventors discovered that by laying the bags on their sides on the conveyor belt and providing the straws at an acute angle with the conveyor belt, preferably substantially parallel to the surface of the bag on which the straw package is being attached, the process can be sped up, increasing its efficiency.

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Rejection Under 35 U.S.C. §102(b)

Claims 1-6 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,584,046 to Geyssel et al. ("Geyssel"). By this Amendment, without addressing the merits of the rejection, claims 1-6 have been canceled. Accordingly the rejection has been rendered moot and Applicants respectfully request withdrawal of the rejection.

By this Amendment, claims 7-10 have been added, directed to methods of attaching straw packages onto bags. Applicants respectfully submit that Geyssel fails to teach or suggest claims 7-8 as set forth herein. Claims 7-8 include providing a bag having a base and a first and second side walls, wherein the bag is constructed to "stand with the base located toward the bottom of the bag". Additionally, the bags are provided on a conveyor belt, wherein "the bag lays on the conveyor belt on the first side wall, and the second side wall is at an acute angle with the conveyor belt." Applicants respectfully submit that the bags of Geyssel are not placed on the conveyor belt on a first side wall such that a second side wall is at an acute angle with the conveyor belt.

Furthermore, Geyssel does not teach or suggest attaching a straw package onto the bag "at an acute angle to the conveyor belt" as claimed herein. Geyssel is directed to attaching a straw from the side of the bag and conveyor belt, to attach the straw onto the side of the bag facing the device. Whereas Geyssel discloses tilting the straw attaching device, Geyssel does not teach attaching the straw at an acute angle to the conveyor belt, as claimed herein. Geyssel does not address the issue that attaching the straws from the side can be inefficient, but rather encourages it. Geyssel merely teaches tilting the device to adjust to the bag, but does not change the fact that the straws are attached from the side. Furthermore, Geyssel does not teach or

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suggest the solution provided by the invention, namely attaching the straws at an acute angle to the conveyor belt in order to increase efficiency.

Additionally, Geysel does not teach or suggest a bag comprising foil, as recited in claims 8 and 10.

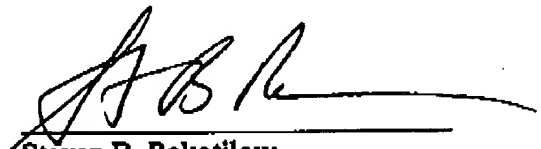
Accordingly, Applicants respectfully submit that the application is in condition for allowance and request withdrawal of the rejection.

CONCLUSION

Applicants respectfully submit that all outstanding rejections have been addressed and are now either overcome or moot. Favorable consideration and prompt allowance of this application is respectfully requested. In the event that there are any questions, or should additional information be required, please do not hesitate to contact Applicants' attorney at the number listed below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is due the amount of such fee may be charged to Deposit Account No. 19-4709.

Respectfully submitted,



Steven B. Pokotilow
Reg. No. 26,405
Attorney for Applicants
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, New York 10038
(212) 806-5400